IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 4073 of 1993

Between:

R.Suryanarayana S/o.S.R.Krishna Murthy
R/o.Hyderabad

... PETITIONER

AND

1) Addl. Industrial Tribunal-Cum-Additonal Labour Court, Hyderabad
2) The Hindustan Aeronautics Ltd., a Govt. of India undertaking rep. by its

General Managar, Balanagar, Hyderabad

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari and after calling for the records from the Addl. Industrial Tribunal-cum-Addl. Labour Court, Hyderabad quash the order in MP 382/87 dt.30/9/1992, in so far as it relates to the denial of the amounts excluding the back wages as illegal, arbitrary and consequently allow the claims of the petitioner with interest and grant such other relief that the Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondent No.1: G.P for Labour,

Counsel for Respondent No.2: MR.K.SRINIVASA MURTHY

The Court made the following:

:: O R D E R ::

Heard both sides.

2. This writ petition is filed challenging the Order of the Additional Industrial Tribunal-Cum-Additional Labour Court, Hyderabad passed in M.P.No.382/1997, dated 30.09.1992

3. The workman filed a petition filed under Section 33-C(2) of the Industrial Disputes Act, 1987, before the Labour Court claiming an amount of Rs.2,52,721/- pursuant to his illegal termination.

4. The Labour Court having gone into the merits of the case, and also basing on the evidence, both oral and documentary, partly allowed the said petition filed by the workman granting a sum of Rs.1, 26, 329/-.

5. It is represented by the learned counsel appearing for the petitioner, which is not disputed by the counsel for the respondent, that on the similar subject matter, the management has filed a writ petition in W.P.No.17177/92, which was allowed by a Division Bench of this Court by order dated 07.04.2004. It appears, however that the Division Bench had directed the management not to recover the amounts already paid to the workman therein

6. In the present case, it appears that a sum of about Rs.60, 000/- had already been paid to the workman. In view of the order of the Division Bench of this Court, referred to above, the amounts, which were paid to the workman/petitioner herein shall not be recovered by the management.

7. The writ petition fails and is liable to be dismissed.

8. In the result, the writ petition is dismissed, however with a direction to the second respondent not to recover any amount already paid to the workman. No costs.

Sd/-

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1) The Chairman, Addl. Industrial Tribunal-Cum-Additonal Labour Court,

Hyderabad
2) The General Manager, The Hindustan Aeronautics Limited,

Government of India undertaking, Balanagar, Hyderabad.

3) 2CCs to G.P for Labour, High Court of A.P.,Hyderabad (OUT)

4) 2CD copies